

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1341

Date of Decision: 1st May 2019

Complaint

The customer submits that the dispute concerns a high consumption bill in the sum of £8,237.13. He had contacted the company in September 2018 and paid for a water efficiency visit. It was subsequently discovered that a stop tap serving redundant pipework had been left on. He contends that if the company had read the meter sooner, this would have avoided a high bill. The company's failure to read the meter has caused him financial detriment. The customer requests that the company award him a leak allowance outside of policy, and/or waive the high consumption bill.

Defence

The company submits that the customer is a water only customer and has no sewerage at the premise. The leak was situated on internal pipework. As the leak was situated on internal pipework, under [] (RST), the wholesaler's Leakage Allowance Policy, any customer experiencing such a leak would only be eligible for an allowance towards the consumption lost on the sewerage element. As the customer is a water only customer, he does not meet the criteria to receive a leakage allowance. It took it over one year to read the meter between 2017 and 2018. It has therefore applied £20.00 in accordance with the Guaranteed Standards Scheme (GSS) policy to the account for this service failure. It appreciates that the customer's meter was not read for over a year; however, it is always noted that due to its policy in ensuring it reads the meter once a year it advises its customers to continually monitor their consumption to ensure issues such as this are picked up at the earliest point.

Findings

The company and RST are separate entities. This adjudication can only consider the duty owed by the company to its customers. It falls outside of my remit to consider any claims or complaints against RST. RST is responsible for investigating leak claims and granting any leak allowances/adjustments. The company's duty is to contact the wholesaler and raise the claim for a leakage allowance on the customer's behalf. I acknowledge the customer's claim and I can appreciate the customer's distress at receiving such a large bill. However, the evidence supports the company's submissions that it has fulfilled its duty in this regard. It falls outside my remit to direct that the company award a leak allowance and/or waive the high consumption bill. However, the company acknowledges that it had not read the meter for over a year and admits that it failed to provide its services to the standard to be reasonably expected in this

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regard. I am satisfied that the customer is entitled to a measure of compensation for the distress and inconvenience caused. However, I must take into account the fact that the company is not wholly liable for the distress and inconvenience caused, as the customer also shares responsibility to check their consumption by taking regular meter readings themselves. For the avoidance of doubt, I acknowledge that the company has already paid the customer £20.00. However, I am not satisfied that that sum is sufficient, and fair and reasonable for the failing shown.

Outcome

The company needs to take the following further action(s):

I direct that the company pay the customer further compensation in the sum of £130.00.

The customer must reply by 31 May 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The dispute concerns a high consumption bill in the sum of £8,237.13 issued in September 2018. The bill was issued following an actual read taken after a year of estimated bills.
- He had contacted the company in September 2018 and paid for a water efficiency visit. It was subsequently discovered that a stop tap serving redundant pipework had been left on. He explained to the company that a maintenance person had been on the premises in October 2017. He believes that this would have been the only time that the stop tap would have been turned on. The stop tap was turned off and the meter stopping turning, which confirmed that it was the cause of the high water consumption.
- He contends that if the company had read the meter sooner, this would have avoided a high bill. He has been caused financial detriment by company's failure to read the meter.
- Both the company and the Consumer Council for Water (CCW) have asked [] (RST), the wholesaler, to consider awarding him a leak allowance. However, this has been rejected.
- The customer requests that the company award him a leak allowance, outside of policy, and/or waive the high consumption bill.

The company's response is that:

- The customer is a water only customer and has no sewerage at the premises.
- The leak was situated on internal pipework.

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- As the leak was situated on internal pipework, under the wholesaler's Leakage Allowance Policy, any customer experiencing such a leak would only be eligible for an allowance towards the consumption lost on the sewerage element. As the customer is a water only customer, he does not meet the criteria to receive a leakage allowance.
- It took it over one year to read the meter between 2017 and 2018. It has therefore applied £20.00 to the account for this service failure. This payment is in accordance with the Guaranteed Standards Scheme (GSS) policy set by OFWAT.
- It appreciates that the customer's meter was not read for over a year; however, it is always noted that due to its policy in ensuring it reads the meter once a year it advises its customers to continually monitor their consumption to ensure issues such as this are picked up at the earliest point. The customer completed a Stop Tap Test quickly after being advised along with providing readings therefore, the meter has always been accessible to the customer allowing for continual monitoring to be completed by them directly.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

How was this decision reached?

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Wholesaler and Retailer

1. In April 2017 the water market in England opened up to retailers and all non-household customers were moved to a retail/wholesale structured service.
2. The evidence shows that the company is the retailer and RST is the wholesaler. Retail companies and wholesale companies are separate entities. The customer has a contractual relationship with the retailer only. Under the Water Redress Scheme, a customer can only make a complaint against the company with whom they have a contractual relationship with; that is, the retailer. Therefore, for the purposes of this decision, my remit is to determine the issues between the customer and the company.
3. This adjudication can only consider the duty owed by the company to its customers. The company's duty is to contact the wholesaler and raise any claims or query any decisions on the customer's behalf.
4. It falls outside of my remit to consider any claims or complaints against RST.

Leakage/sewerage allowance

5. The evidence shows that RST, and not the company, is responsible for granting any leak adjustment/allowances. The company's duty is to contact the wholesaler and raise the claim for a leakage allowance on behalf of the customer.
6. It is not in dispute that the customer is a water only customer and that the leak was on the customer's internal pipework.
7. The company has submitted an excerpt of the wholesaler's leakage allowance policy in evidence that confirms its submissions that, under the wholesaler's policy, a leak allowance will not be granted if the leak was on the customer's internal pipework. In addition, as the customer is a water only customer and not billed for sewerage, the customer is not eligible for a sewerage allowance.
8. The evidence supports the company's submission that its request for an allowance on behalf of the customer was declined by the wholesaler.

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9. I acknowledge the customer's claim and I can appreciate the customer's distress at receiving a much larger than normal bill. However, any complaints against RST cannot be considered under this adjudication. The company's duty is to contact the wholesaler and liaise on behalf of the customer, and the evidence shows that the company has fulfilled this obligation. I therefore find that the company has not failed to provide its services to the standard to be expected in this respect. It falls outside my remit to direct the remedy asked for.

Reading the meter

10. The company acknowledges that it had not read the meter for over a year. The company itself admits that it failed to provide its services to the customer to the standard to be reasonably expected in this regard. However, I am mindful that there is no evidence to show that the company is required to read a meter more than once a year. There is also no evidence to show that the company is under an obligation to monitor customers' consumption and notify customers if it considers that their usage is higher than expected. Customers therefore share the responsibility to check their consumption by taking regular meter readings themselves if the meter is easily accessible. In light of this, I am therefore also inclined to accept the company's further submissions that customers should not solely rely on their retailer to alert them to unexpected increase in consumption, and that it is not wholly liable.

Redress

11. In respect of the customer's request that the company award him a leak allowance outside of policy, and/or waive the high consumption bill, as discussed above, the company is not responsible for granting any leak adjustment/allowances, I can therefore make no directions in this regard.

12. However, I am mindful that the company acknowledges that it had not read the meter for over a year and that it failed to provide its services to the customer to the standard to be reasonably expected in this regard. I am satisfied that the customer is entitled to a measure of compensation for the distress and inconvenience caused. Having carefully considered the evidence provided, I find a further sum of £130.00 to be a fair and reasonable level of compensation. I take into account the fact that the company is not wholly liable for the distress and inconvenience caused, as the customer also shares responsibility to check their

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consumption by taking regular meter readings themselves, so the company is not wholly liable. In addition, for the avoidance of doubt, I acknowledge that the company has already paid the customer £20.00. However, I am not satisfied that that sum is sufficient, and fair and reasonable for the failing shown. I therefore direct that the company pay the customer further compensation in the sum of £130.00. This direction is made in accordance with WATRS Rule 6.6 which provides that an adjudicator can award more than has been claimed by the customer in exceptional circumstances.

Outcome

The company needs to take the following further action(s):

I direct that the company pay the customer further compensation in the sum of £130.00.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 31 May 2019 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



U Obi LLB (Hons) MCI Arb
Adjudicator

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